IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 33764 of 2005(T)

PETITIONERS:
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1. **P.K.KUMARAN, HEALTH SUPERVISOR,**
   COMMUNITY HEALTH CENTRE, WANDOOR,
   MALAPPURAM DISTRICT.

2. **O.R.VIKRAMAN, HEALTH SUPERVISOR,**
   COMMUNITY HEALTH CENTRE,
   MEENANGADI, WAYANAD DISTRICT.

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
   DEPARTMENT OF HEALTH, TRIVANDRUM.

2. **THE DIRECTOR OF HEALTH SERVICES,**
   TRIVANDRUM.

3. **THE DISTRICT MEDICAL OFFICER,**
   MALAPPURAM.

4. **THE DISTRICT MEDICAL OFFICER,**
   WAYANAD.

5. **THE KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY ITS SECRETARY, PATTAM,
   TRIVANDRUM.

BY GOVT. PLEADER SRI. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.33764 of 2005

Dated 28th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the respondents 1 and 2 to promote the petitioners to the post of Technical Assistants Grade II, in accordance with Ext.P1 seniority list, forthwith to the existing vacancies;
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> (ii) Issue a declaration that the petitioners who were recruited under the special recruitment for Scheduled Castes/Scheduled Tribes, are also entitled to be promoted to the post of Technical Assistant Grade II in terms of Ext.P1 seniority list."

It is submitted that similarly situated persons covered by Ext.P2 judgment have already been promoted. If that be so, there is no point in discriminating the petitioners. The writ petition is hence disposed of with a direction to the second respondent to extend a similar treatment to the petitioners herein, as meted out to the petitioners covered Ext.P2 judgment, in case they are similarly situated, within two months from the date of production of a copy of the judgment, if not already done.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.